

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia

Va. Code § 8.01-301, -310, -329; 55-218.1; 57-51

Case No.:

4/11cv139

United States District Court for the Eastern District of Virginia

District Court

LEE G. FRANKLIN

v.

AMERICAN EXPRESS

WORLD FINANCIAL CENTER, 200 VESSEY STREET

NEW YORK, NY 10285

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☐ Warrant ☐ Motion for Judgment ☐ Garnishment Summons ☒ Summons and Complaint

I, the undersigned Affiant, state under oath that:

☒ the above-named defendantwhose last known address is: ☒ same as above

- ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
- ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK) and that

is the return date on the attached warrant, motion for judgment or notice (see TIMELY SERVICE REQUIREMENT on reverse).

9/29/11

DATE

State of

Virginia

☐ PARTY☐ PARTY'S ATTORNEY☐ PARTY'S AGENT

City of [] County of

Newport News

Acknowledged, subscribed and sworn to before me this

day of September 20 11

NOTARY REGISTRATION NUMBER

208107

CLERK

MAGISTRATE

NOTARY PUBLIC (My commission expires: 1/31/12)

☐ Verification of the date of filing of the certificate of compliance requested in the self-addressed stamped envelope provided.

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE THAT THE CERTIFICATE OF COMPLIANCE IS FILED WITH THE ABOVE-NAMED COURT.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

- On NOV 18 2011, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
- On NOV 21 2011, papers described in the Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE
SECRETARY OF THE COMMONWEALTH

NOV 23 2011

U.S. DISTRICT COURT
NORFOLK, VA